

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

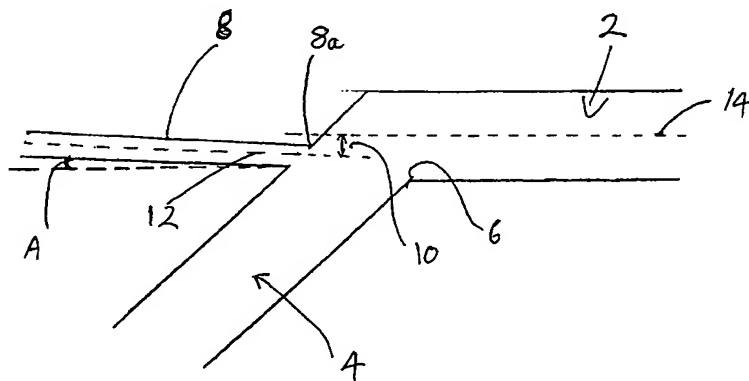
(19) World Intellectual Property Organization
International Bureau(43) International Publication Date
28 August 2003 (28.08.2003)

PCT

(10) International Publication Number
WO 03/070306 A2

- (51) International Patent Classification⁷: A61M 16/00 (74) Agent: FRANK, B. DEHN & CO.; 179 Queen Victoria Street, London EC4V 4EL (GB).
- (21) International Application Number: PCT/GB03/00758
- (22) International Filing Date: 21 February 2003 (21.02.2003)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
0204117.6 21 February 2002 (21.02.2002) GB
- (71) Applicants (for all designated States except US): E.M.E. (ELECTRO MEDICAL EQUIPMENT) LIMITED. [GB/GB]; 60 Gladstone Place, Brighton, East Sussex BN2 3QD (GB). FRAZER-NASH CONSULTANCY LIMITED. [GB/GB]; 1 Trinity Street, College Green, Bristol BS1 5TE (GB).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): FOSTER, Stephen [GB/GB]; Shadwell Cottage, Chilies Lane, High Hurstwood, Uckfield, East Sussex TN22 4AB (GB). CORNER, Stuart [GB/GB]; 39 Lambourn Avenue, Stone Cross, Pevensy, East Sussex BN24 5PQ (GB). HARRISON, Stephen [GB/GB]; Frazer-Nash Consultancy Ltd., 1 Trinity Street, College Green, Bristol BS1 5TE (GB).
- (81) Designated States (national): AE, AG, AL, AM, AT (utility model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (utility model), DE, DK (utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model), FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK (utility model), SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:
— without international search report and to be republished upon receipt of that report
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: BREATHING DEVICE



(57) Abstract: A breathing device for assisting patients to breathe by maintaining positive airway pressure during the breathing cycle comprises, in fluid communication, a breathing channel (2) and an exhaust channel (4) extending from a junction therebetween. A gas inlet channel (8) is arranged, so as in use, to introduce gas into said breathing channel (2). A positive pressure may be maintained in the breathing channel (2), wherein the axis of said gas inlet channel (8) is laterally offset (10) at the point at which the gas inlet channel (8) introduces the gas into the breathing channel (2) from the axis of the narrowest part of the breathing channel (2).

1/ppts.
- 1 -
0/505466
DT09 Rec'd PCT/PTO 20 AUG 2004Breathing Device

5 This invention relates to breathing devices for assisting patients, particularly human patients, to breathe by maintaining a positive airway pressure during the breathing cycle.

10 It is well recognised that the application of continuous positive airways pressure (CPAP) is a successful clinical technique for assisting patients with breathing difficulties. Recently a particularly successful non-invasive CPAP device has been described in EP-A-0447 443 and marketed by the Applicant as the
15 INFANT FLOW (registered trade mark) generator. This device has been shown to deliver reliable CPAP whilst at the same time resulting in a lower work of breathing when treating respiratory distress syndrome. This lower
20 work of breathing is important as it leads to faster patient recovery times which is of course beneficial to the patient, but which also helps to keep down running costs of intensive care departments.

 It has been recognised that the phenomenon of jet bypass, whereby a proportion of fresh gas supplied to
25 the patient passes directly out of the exhaust tube is crucial in giving the low added work of breathing.

 The Applicant has realised that, at least for some applications, such devices may be further improved. When viewed from a first aspect therefore the invention
30 provides a breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive
35 pressure may be maintained in the breathing channel, wherein the axis of said gas inlet channel is laterally offset from the axis of the breathing channel at the

point at which the gas inlet channel introduces the gas into the breathing channel.

Thus it will be seen that in accordance with the present invention, a CPAP-type breathing assistance
5 device is provided in which the gas inlet channel is offset from the axis of the breathing channel. It has been found that providing such an offset can reduce the fluctuations in pressure in the breathing channel over the breathing cycle. This is recognised to be
10 beneficial in reducing the work of breathing and thus in aiding patient recovery.

Furthermore, it has been recognised that the amount of lateral offset can be set to give a determinable degree of jet bypass. In particular, the Applicant has
15 recognised that whilst in many cases a constant positive airway pressure is the most appropriate breathing assistance to provide, in some cases it may be desirable to provide an increased pressure during the inhalation phase. This might be appropriate, for example, in
20 particularly serious cases where the patient is unable properly to expand his/her lungs. The increased pressure can assist in the recruitment of alveoli. The increased inhalation pressure may be achieved by setting the degree of bypass appropriately.

Whilst, as set out above, the required bypass
25 effect may be achieved by offsetting the gas inlet from the axis of the breathing tube, it has been further recognised that in fact the same effect is achievable by simulating such an offset. Thus, the gas inlet need not
30 be offset from the main axis of the breathing tube if the breathing tube undergoes a change in cross-sectional area and the gas inlet is offset from the central axis of the narrower portion. The narrower portion could be a relatively small proportion of the length of the
35 breathing channel - for example a partial baffle.

When viewed from a more general aspect therefore the present invention provides a breathing device

comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas into said breathing channel such
5 that in use a positive pressure may be maintained in the breathing channel, wherein the axis of said gas inlet channel is laterally offset at the point at which the gas inlet channel introduces the gas into the breathing channel from the axis of the narrowest part of the
10 breathing channel.

Thus it will be appreciated that a preferred embodiment of the aspect of the invention set out above has the breathing channel being of substantially constant cross-sectional area, such that the gas inlet
15 channel is laterally offset from the main axis of the breathing channel.

The breathing channel may have any convenient cross-sectional shape, for example it could be triangular or oval in cross-section. Alternatively it
20 may have a substantially circular cross-section. Similarly the exhaust channel could also have any convenient cross-sectional shape e.g. circular, triangular or oval, and need not be the same shape as the breathing channel.

The gas inlet channel may comprise a discrete tube extending at least partially into the breathing channel. It is preferred however that the gas inlet channel opens into the breathing channel - i.e. that the mouth of the
25 gas inlet is at a wall of the device. Most preferably the gas inlet channel is arranged to open into the
30 junction between the breathing channel and the exhaust channel, on the outer side of said junction

Preferably the gas inlet channel is laterally offset from the axis of the breathing channel, or the
35 central axis of its narrowest point, in the direction towards the exhaust channel. This means that the jet of fresh gas emerging from the gas inlet channel will be

directed at least partially towards the elbow at the inner edge of the junction between the exhaust and breathing channel or to the lower edge of a narrower portion. The elbow or other flow restrictor effectively
5 serves to split the jet of gas between the breathing and exhaust channels, thereby giving the required bypass.

The gas inlet channel could be parallel to the breathing channel. Preferably however it is inclined at a small angle e.g. approximately 5° , to the breathing
10 channel axis in the direction away from the exhaust channel. This has been found to give marginally better performance.

In fact it has been appreciated that the inclination of the gas inlet channel can also have an effect on the degree of bypass, albeit lesser, in
15 general, than the effect of lateral bypass and that a suitably chosen inclination can give a useful degree of bypass, even if the gas inlet channel is not laterally offset. Thus, when viewed from a further aspect the
20 invention provides a breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive
25 pressure may be maintained in the breathing channel; wherein the axis of said gas inlet channel is inclined relative to the axis of said breathing channel.

As in accordance with the earlier aspects of the invention, the gas inlet channel axis is preferably
30 laterally offset at the point at which it joins the exhaust channel or laterally offset from an axis through the centre of a narrowed section of the breathing channel.

Clearly the degree of lateral offset will affect
35 the relative proportions of the split flows and thus the degree of bypass. Possible embodiments are envisaged in which the offset is in the direction away from the

exhaust channel. However such embodiments require a relatively large inclination of the gas inlet channel which is undesirable for other reasons.

As has been explained above, both the offset and the inclination of the gas inlet channel relative to the breathing channel, or narrowest part thereof, influence the degree of bypass achieved during use. This, in turn, has varying beneficial effects on the pressure profile in the breathing channel. In general a particular pressure profile will be suitable for a large number of patients. However the Applicant has recognised that in some circumstances it may be desirable to be able to change the pressure profile by changing the degree of bypass. In some preferred embodiments therefore the breathing device comprises two or more gas inlet channels at different offsets and/or inclinations. A physician may then decide which gas inlet to use for the desired mode of operation.

Additionally or alternatively, in some embodiments a movable gas inlet channel is provided. It is envisaged that the inlet channel may be moved so either the inclination of the offset may be varied, or indeed it may be possible to vary both. In one example the gas inlet channel could be pivotably mounted to the rest of the device with a flexible gaiter or the like being provided to ensure a gas-tight seal. In another example the gas inlet could be slidably mounted to the rest of the device. Again a suitable seal or gasket may be provided.

In accordance with all aspects of the invention, it is preferred that the gas inlet channel has a smaller cross-sectional area than either the exhaust or breathing channels, preferably less than a quarter of either. In one particular embodiment in which the channels are circular, the ratio of their diameters is 1.4 mm to 5mm.

Preferably the breathing and exhaust channels are

substantially linear and most preferably meet substantially at a right angle or greater.

The breathing device of the invention may be adapted to be attached directly to the face of a patient. For example it may comprise a pair of nasal prongs for insertion into the patient's nose. Indeed where the breathing device is adapted for use by infants, the infant's nostrils will effectively form part of the breathing tube. Alternatively, the device may comprise or be adapted to be connected to a mask for fitting over a patient's face - e.g over the nose and mouth, the mask being in communication with the breathing channel.

In some preferred embodiments an elongate tube is provided in fluid communication with the exhaust channel. This is not essential to the operation of the device but it has been found to reduce the noise generated.

Certain preferred embodiments of the present invention will now be described, by way of example only, with reference to the accompanying drawings in which:

Fig. 1 is a schematic cross-sectional view of a breathing device in accordance with the invention;

Figs. 2a to 2c are respective schematic flow diagrams showing air flow in the device during the breathing cycle;

Fig. 3 is a schematic diagram of a test set-up used to test an embodiment of the invention;

Fig. 4 is a graph of pressure v time for an embodiment of the invention and for a prior art device tested under the same conditions for the purposes of comparison only;

Fig. 5 is a graph of pressure v time for three different gas inlet pressures; and

Figs. 6 to 8 are respective schematic perspective views of further embodiments of the invention.

Figs. 9a to 9e are various elevations of another embodiment of the breathing device in accordance with the invention.

5 Figs. 10a to 10e are various elevations of a further embodiment of the breathing device in accordance with the invention.

The breathing device of Fig. 1 generally comprises a breathing channel 2 and an exhaust channel 4 in fluid communication with one another. The breathing channel 2
10 is provided at its distal end with a face mask, nasal prongs or other suitable device (not shown) as the patient interface.

The exhaust channel 4 is continued by a tube (not shown) which is open to the atmosphere. It joins the
15 breathing channel 2 at an oblique angle to form a corner 6 on the inside of the junction.

A gas inlet channel 8 joins the device so as to introduce gas into the breathing channel 2 in the region of its junction with the exhaust channel 4. It will be
20 seen that at the point 8a at which the gas inlet channel 8 introduces the gas, there is an offset 10 between the axis 12 of the gas inlet channel 8 and the axis 14 of the breathing channel 2.

The respective axes 12, 14 of the gas inlet channel 8 and the breathing channel 2 are not quite parallel
25 since the former axis 12 is inclined at an angle A. Furthermore, it may be seen that the diameter and therefore cross-sectional area of the gas inlet channel 8 is substantially smaller than that of the breathing or
30 exhaust channels 2, 4.

Figs. 2a to 2c show, schematically, operation of the device shown in Fig. 1. Firstly Fig 2a shows the pattern of fresh gas flow during patient exhalation. As
35 a result of the offset 10 between the axes 12, 14 of the gas inlet and breathing channels (see Fig 1) the jet 16 of fresh gas from the gas inlet channel 8 impinges upon the corner 6 at the junction of the breathing and

exhaust channels 2, 4. This causes part of the jet 18 to "bypass" the breathing channel 2 to flow straight down the exhaust channel 4. The degree of bypass is enhanced by the remainder of the jet 20 which loops back on itself in the breathing channel 2 and also passes down the exhaust channel 4. This flow 20 combines with the gas being exhaled by the patient to deflect the jet 16 downwardly and so causes more high momentum gas to impinge upon the corner 6.

The effect of the bypass is to reduce pressure in the breathing channel 2 and so the work required by the patient to exhale, as compared to what it would have been otherwise without bypass.

Fig. 2b shows the pattern of fresh gas flow at zero breath (the transition between patient exhalation and inhalation). It will be seen that the bypass portion of the jet 18 is significantly reduced since the jet 16 is no longer being deflected by the exhaled air. However the offset 10 and the looped-back fresh gas flow 20 mean that there is still some bypass. It may further be observed that the loop 20 of fresh gas is larger than during the exhalation phase shown in Fig. 2a since the fresh gas is no longer working against the pressure of the air being exhaled and because less of it is being bypassed.

Finally, Fig. 2c shows the pattern of fresh gas flow during patient inhalation. In this phase the degree of bypass is similarly low, but still not completely absent, as the low pressure created inside the patient's lungs draws in the majority 22 of the fresh gas flow. As shown there is still a portion 20 of the fresh gas which loops back on itself and passes down the exhaust channel 4. Depending upon the needs of the patient, the looped flow may in fact be reversed to supplement the fresh gas with ambient air.

Fig. 3 shows schematically an experimental set-up used to test a breathing generator 22 in accordance with

the invention. The breathing generator 22 had a breathing channel 2 and an exhaust channel 4 at right angles to one another. Both channels had an internal diameter of 5mm. A gas inlet channel 8 with a 1.4mm
5 internal diameter was provided at the end of the breathing channel such that its central axis is offset by 1.5 mm relative to the axis of the breathing channel.

The breathing channel 2 was connected by means of a tube 24 to a lung simulator 26 comprising a piston
10 driven by an actuator (not shown). The actuator is controlled by a computer in order to simulate a representative patient breathing profile. At the inlet to the lung simulator 26 a pressure feed 28 was taken to a pressure transducer connected to a personal computer
15 (not shown) to allow the pressure to be measured and recorded. This pressure feed was taken 7cm downstream of the end of the gas inlet channel 8.

The artificial lung was set to a tidal volume of 30 millilitres and an inhale to exhale ratio of 3:7, which
20 are reasonably typical figures for an infant. The gas inlet channel 8 was then connected to a source of fresh gas at 37°C (so called "medical air") For the first experiment, the rate of fresh gas flow was set to eight litres per minute. The pressure recorded by the
25 pressure transducer is shown by line A on the graph in Fig. 4.

The experiment was then repeated with a known breathing device - the Applicant's INFANT FLOW
(registered trade mark) generator under the same
30 conditions (except that pressure was measured at the generator pressure connection, which accounts for only approximately 0.25 cm H₂O pressure difference) with a fresh gas flow rate of eight litres per minute. The results may be seen from the line B in Fig. 4. It is
35 clear from this not only that a higher airway pressure is achievable for a given flow rate, but also that the pressure fluctuation over the breathing cycle has been

even further reduced in accordance with the present invention.

5 The experiment was repeated with fresh gas flows of six and fourteen litres per minute and results are shown by lines C and D respectively in Fig. 5. Fig. 5 also shows the results obtained with a flow rate of eight litres per minute (line A). As may be seen, at six and eight litres per minute (lines C and A respectively) there is negligible pressure fluctuation. At fourteen
10 litres per minute (line D), there is in fact negative fluctuation - in other words there is an increase in pressure on inhale and a decrease on exhale. This gives a degree of breathing assistance and is potentially extremely beneficial for those patients having
15 difficulty breathing.

Thus it will be seen that at least an embodiment of the invention provides a breathing device with very low fluctuations in pressure which is therefore able to assist in breathing with minimal added work of breathing
20 as compared to already beneficial prior art devices.

A further potential embodiment of the invention is shown schematically in Fig. 6. In this embodiment, two separate gas inlet channels 8b and 8c are provided. The first inlet 8b is provided offset below the axis of the
25 breathing channel 2 to provide a predetermined degree of offset. The second inlet 8c has the same amount of offset but is also inclined with respect to the axis of the breathing channel 2. This will give a higher degree of bypass which may be required in certain situations -
30 e.g. if a higher fresh gas flow is required. In use a physician or medical attendant may select which inlet channel 8b, 8c to use as needed. This could simply be by placing a gas supply tube over the desired inlet channel or it could be by means of a two-way valve.

35 Another potential embodiment is shown in Fig. 7. In this embodiment the gas inlet channel 8 is shown extending through a rubber gaiter 30. Inside the

- 11 -

breathing device (not shown) the gas inlet channel 8 is pivotally attached to the main body. This allows it to be inclined up and down to provide the desired degree of bypass. A screw or the like could be provided to hold
5 the inlet 8 in the desired inclination.

Fig. 8 shows another possible embodiment. In this embodiment the gas inlet channel 8 is connected to a block 32 received in a recess 34 in the corner of the device. The gas inlet channel is in gaseous
10 communication with an internal passage in the block which opens into the interior of the device to provide fresh gas into the breathing channel. The block 32 is a reasonably gas-tight fit into the side walls of the recess 34. Stops may be provided to limit the movement
15 of the block 34. It will be seen that the block 34 is provided on its upper face with a protrusion 36 to facilitate movement thereof.

A further embodiment of the breathing device is shown in Figs. 9a to 9e. In this embodiment the
20 breathing channel 2 is of a substantially triangular cross-section as shown by the end elevations 9c and 9d. The breathing channel 2 and an exhaust channel 4 are in fluid communication with one another. As before, a gas inlet channel 8 joins the device so as to introduce gas
25 into the breathing channel 2 in the region of its junction with the exhaust channel 4. As in previous embodiments, it will be seen that at the point 8a at which the gas inlet channel 8 introduces the gas, there is an offset 10 between the axis 12 of the gas inlet
30 channel 8 and the axis 14 of the breathing channel 2.

Unlike previously however, the side elevation, Fig. 9a, shows that the breathing channel 4 is at a right angle to the exhaust channel 4. The exhaust channel 4 is of substantially circular cross section, as shown in the
35 bottom view of the device given in Fig. 9e, and is therefore not the same cross section shape as that of the breathing channel 2.

Finally, Figs. 10a to 10e show another embodiment of the breathing device. In this embodiment the breathing channel 2 is of a substantially oval cross-section as shown by the end elevations 10c and 10d.

5 Again, the side elevation, Fig. 10a, shows that the breathing channel 4 is at a right angle to the exhaust channel 4. The exhaust channel 4 has substantially oval cross-section and therefore has the same cross-sectional shape as the breathing channel 2, as shown in the bottom
10 elevation of the device given in Fig. 10e.

It will be appreciated by those skilled in the art that many variations and modifications of the described embodiments are possible within the scope of the present invention. For example, the breathing device may be
15 configured deliberately to increase the airway pressure during the inhalation phase by increasing the offset between the axes of the gas inlet channel and the breathing channel in order to give a corresponding smaller degree of bypass. Such a device could be useful
20 for treating acute respiratory distress syndrome in which the increased pressure on inhalation can help in the recruitment of alveoli.

Furthermore, the breathing channel need not be of constant bore as depicted. It may comprise a local
25 reduction in the cross-sectional area - e.g. by virtue of a baffle, step or other protrusion. In this case the gas inlet channel may not be offset from the main axis of the breathing channel but will be offset from the effective central fluid axis thereof which is determined
30 by the reduction in cross-section or bore.

Claims:

1. A breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and
5 a gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive pressure may be maintained in the breathing channel, wherein the axis of the said gas inlet channel is laterally offset from the axis of the breathing
10 channel at the point at which the gas inlet channel introduces the gas into the breathing channel.
2. A breathing device comprising, in fluid communication, a breathing channel and an exhaust
15 channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas into said breathing channel such that in use a positive pressure may be maintained in the breathing channel, wherein the axis of the said gas inlet channel is
20 laterally offset from the axis of the breathing channel at the point at which the gas inlet channel introduces the gas into the breathing channel from the axis of the narrowest part of the breathing channel.
- 25 3. A device as claimed in claim 2, with the breathing channel being of substantially constant cross-sectional area such that the gas inlet channel is laterally offset from the main axis of the breathing channel.
- 30 4. A device as claimed in any of claims 1, 2 or 3 wherein the breathing channel has a substantially circular cross-section.
5. A device as claimed in any of claims 1 to 4, wherein
35 the gas inlet channel opens into the breathing channel.
6. A device as claimed in claim 5, wherein the gas inlet

channel is arranged to open into the junction between the breathing channel and the exhaust channel, on the outer side of the said junction.

- 5 7. A device as claimed in any preceding claim, wherein the gas inlet channel is laterally offset from the axis of the breathing channel, or the central axis of its narrowest point, in the direction towards the exhaust channel.
- 10 8. A device as claimed in any preceding claim, wherein the gas inlet channel is inclined relative to the breathing channel axis in the direction away from the exhaust channel.
- 15 9. A breathing device comprising, in fluid communication, a breathing channel and an exhaust channel extending from a junction therebetween; and a gas inlet channel arranged so as in use to introduce gas
- 20 into said breathing channel such that in use a positive pressure may be maintained in the breathing channel, wherein the axis of the said gas inlet channel is inclined relative to the axis of said breathing channel.
- 25 10. A device as claimed in claim 9, wherein the gas inlet channel axis is laterally offset at the point at which it joins the exhaust channel or laterally offset from an axis through the centre of a narrowed section of the breathing channel.
- 30 11. A device as claimed in any preceding claim comprising two or more gas inlet channels at different offsets and/or inclinations.
- 35 12. A device as claimed in any preceding claim, comprising a movable gas inlet channel.

- 15 -

13. A device as claimed in any preceding claim, wherein the gas inlet channel is narrower than either the exhaust or breathing channels.
- 5 14. A device as claimed in any preceding claim, wherein the breathing and exhaust channels are substantially linear and meet substantially at a right angle or greater.
- 10 15. A device as claimed in any preceding claim, wherein the breathing device is adapted to be attached directly to the face of a patient.
- 15 16. A device as claimed in any preceding claim, wherein the breathing device is adapted to be connected to a mask.
- 20 17. A device as claimed in any preceding claim, comprising an elongate tube in fluid communication with the exhaust channel.

1/5

10/505466

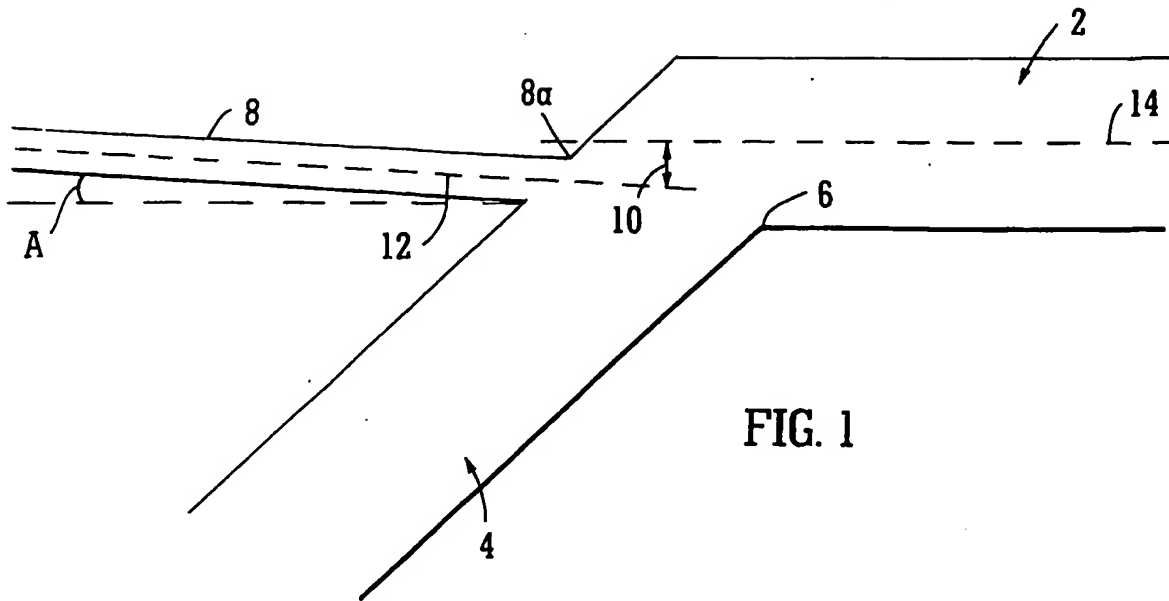


FIG. 1

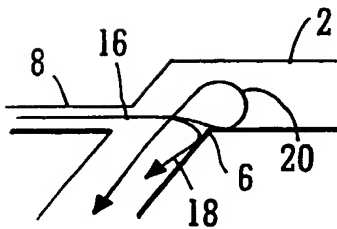


FIG. 2A

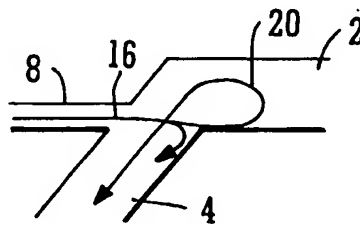


FIG. 2B

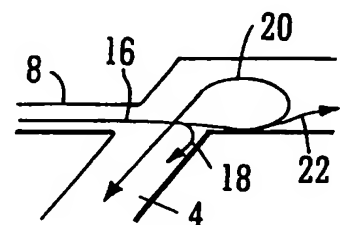


FIG. 2C

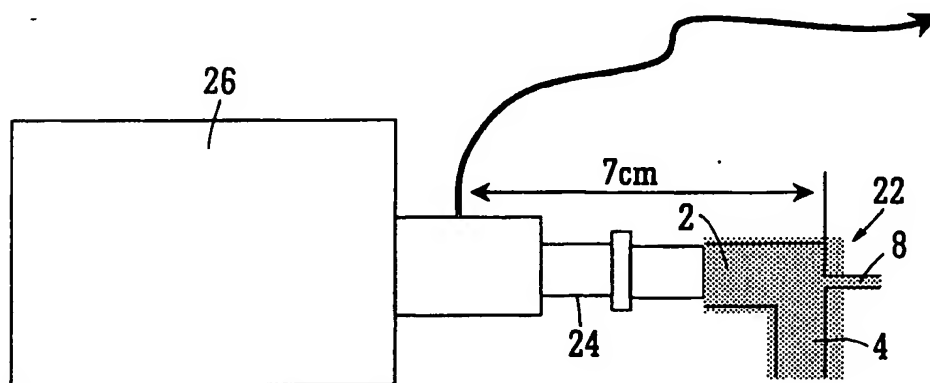
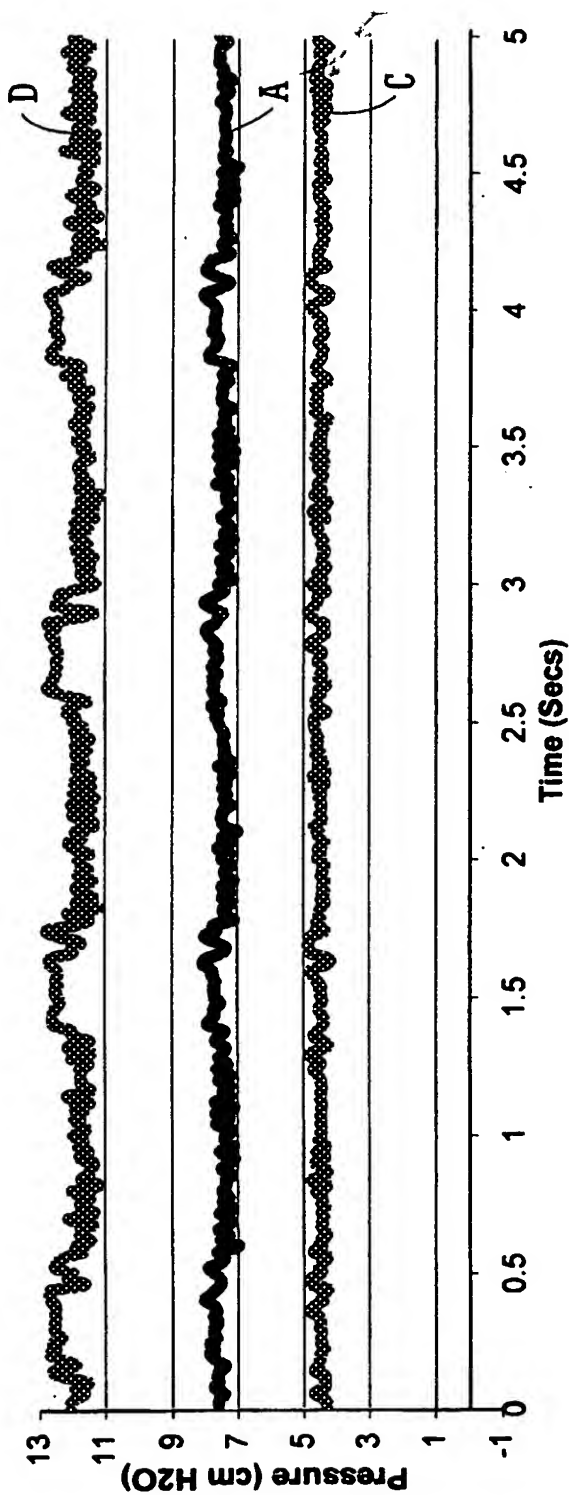


FIG. 3



D.....14 litres per minute
A.....8 litres per minute
C.....6 litres per minute

FIG. 5

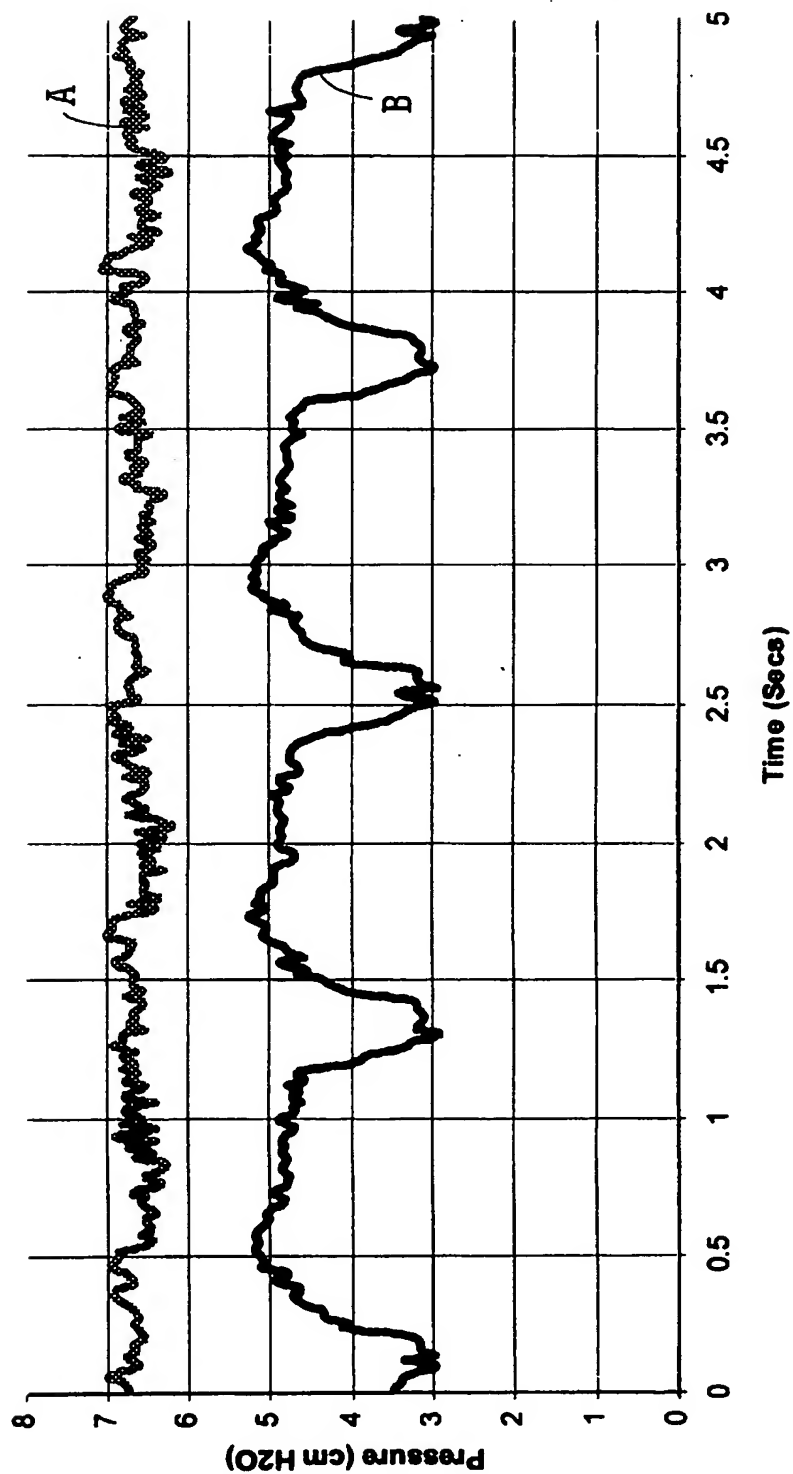


FIG. 4

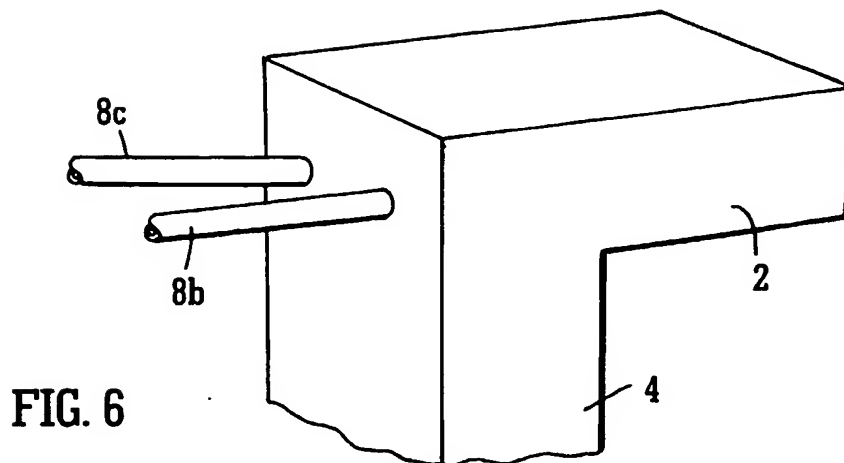


FIG. 6

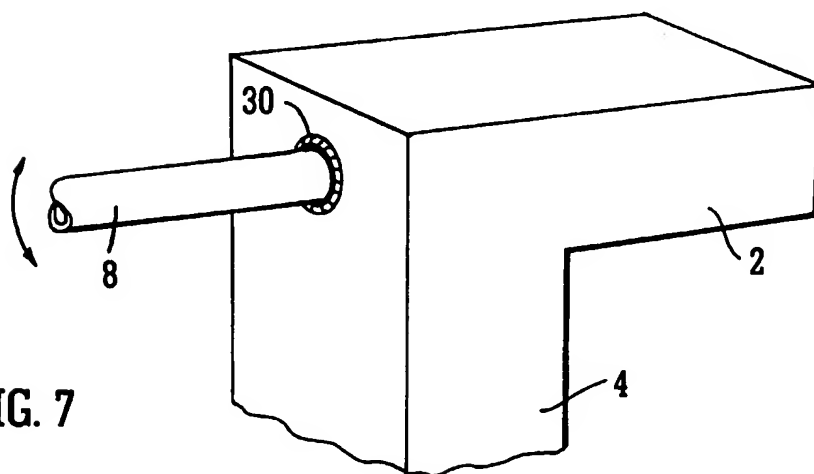


FIG. 7

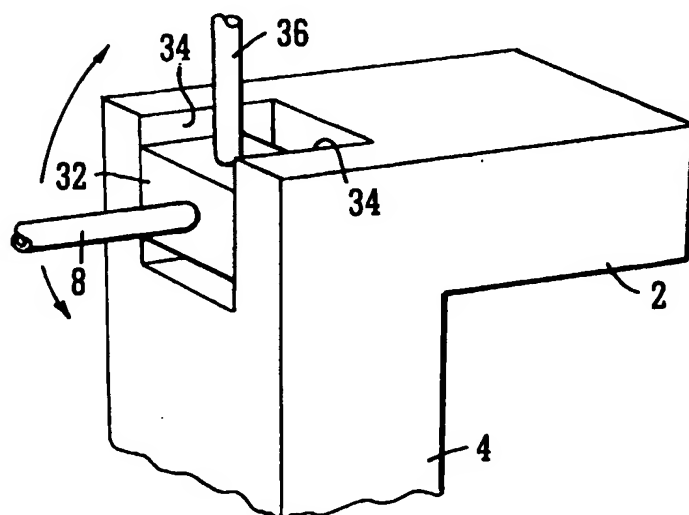


FIG. 8

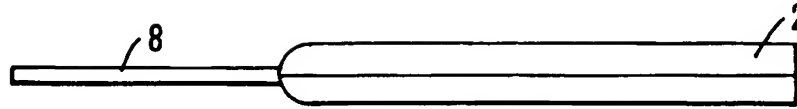


FIG. 9B

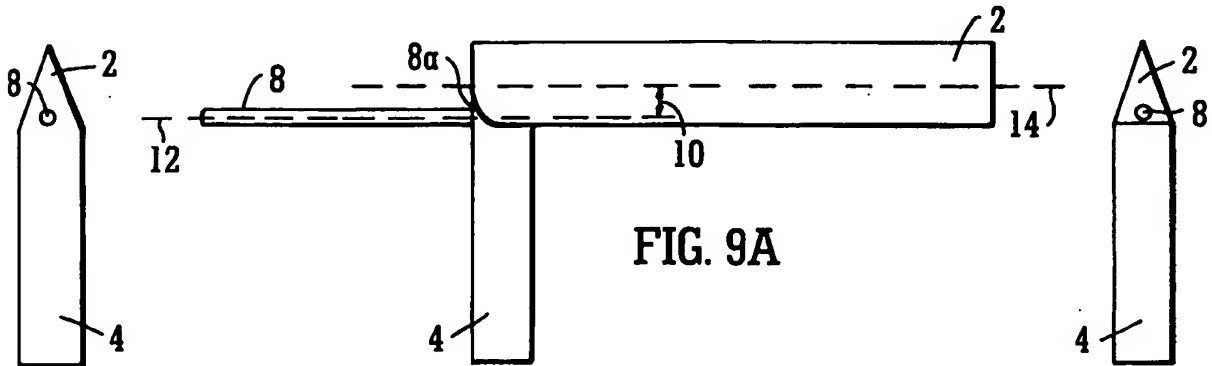


FIG. 9A

FIG. 9C

FIG. 9D

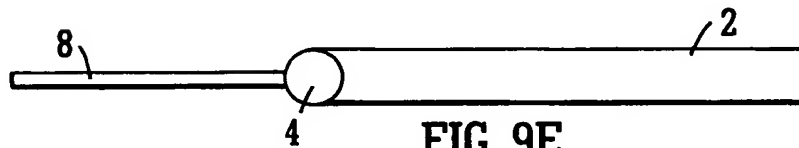


FIG. 9E

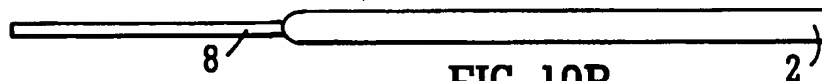


FIG. 10B

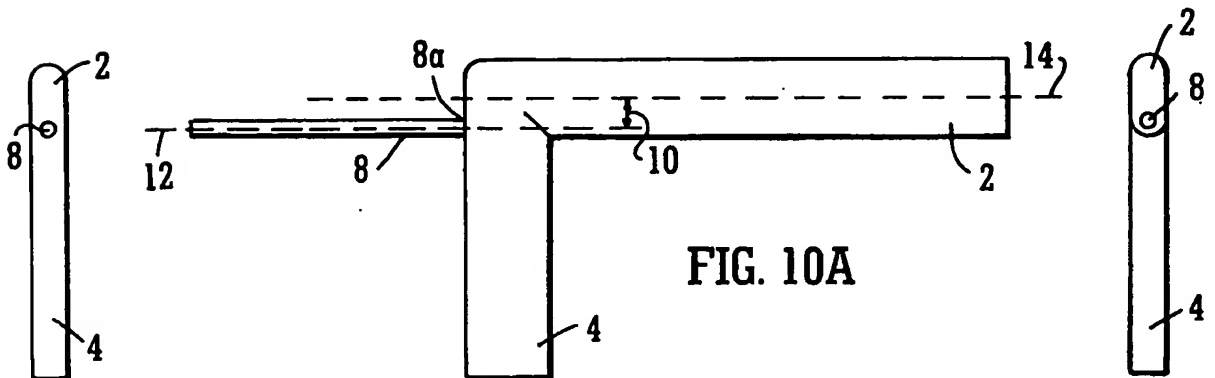


FIG. 10A

FIG. 10C

FIG. 10D

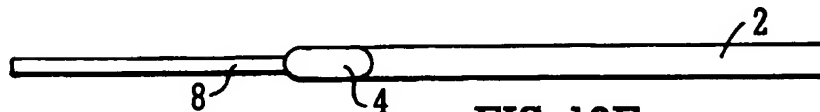


FIG. 10E

(19) World Intellectual Property
Organization
International Bureau



2004 10/505466

(43) International Publication Date
28 August 2003 (28.08.2003)

PCT

(10) International Publication Number
WO 2003/070306 A3

(51) International Patent Classification⁷: **A61M 16/00**

(21) International Application Number:
PCT/GB2003/000758

(22) International Filing Date: 21 February 2003 (21.02.2003)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
0204117.6 21 February 2002 (21.02.2002) GB

(71) Applicants (for all designated States except US): **E.M.E. (ELECTRO MEDICAL EQUIPMENT) LIMITED.** [GB/GB]; 60 Gladstone Place, Brighton, East Sussex BN2 3QD (GB). **FRAZER-NASH CONSULTANCY LIMITED.** [GB/GB]; 1 Trinity Street, College Green, Bristol BS1 5TE (GB).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **FOSTER, Stephen** [GB/GB]; Shadwell Cottage, Chilies Lane, High Hurstwood, Uckfield, East Sussex TN22 4AB (GB). **CORNER, Stuart** [GB/GB]; 39 Lambourn Avenue, Stone Cross,

Pevensey, East Sussex BN24 5PQ (GB). **HARRISON, Stephen** [GB/GB]; Frazer-Nash Consultancy Ltd., 1 Trinity Street, College Green, Bristol BS1 5TE (GB).

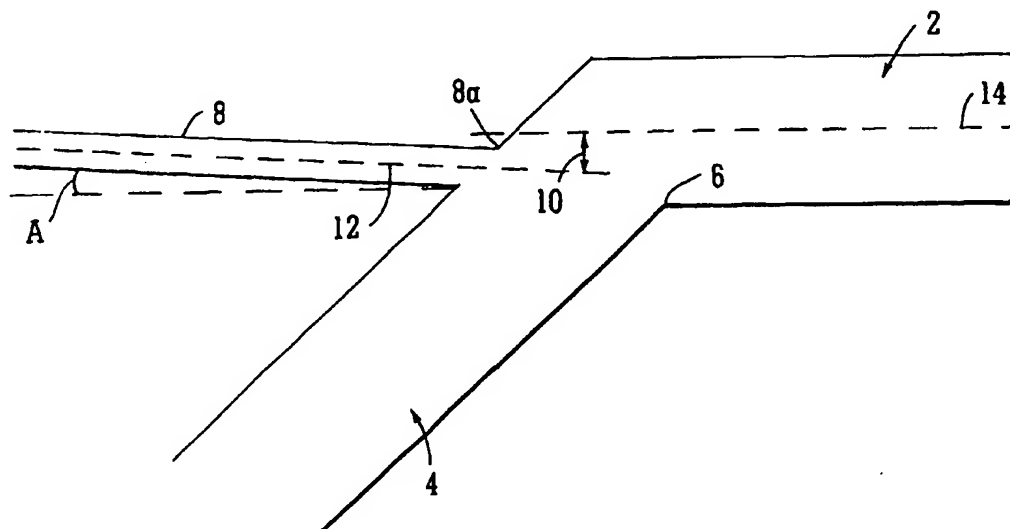
(74) Agent: **FRANK, B. DEHN & CO.**; 179 Queen Victoria Street, London EC4V 4EL (GB).

(81) Designated States (national): AE, AG, AL, AM, AT (utility model), AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (utility model), DE, DK (utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model), FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK (utility model), SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

[Continued on next page]

(54) Title: BREATHING DEVICE



(57) Abstract: A breathing device for assisting patients to breathe by maintaining positive airway pressure during the breathing cycle comprises, in fluid communication, a breathing channel (2) and an exhaust channel (4) extending from a junction therebetween. A gas inlet channel (8) is arranged, so as in use, to introduce gas into said breathing channel (2). A positive pressure may be maintained in the breathing channel (2), wherein the axis of said gas inlet channel (8) is laterally offset (10) at the point at which the gas inlet channel (8) introduces the gas into the breathing channel (2) from the axis of the narrowest part of the breathing channel (2).

WO 2003/070306 A3



Published:

— *with international search report*

(88) Date of publication of the international search report:

4 March 2004

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 03/00758

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61M16/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 3 881 479 A (CARDEN EDWARD) 6 May 1975 (1975-05-06) column 1, line 4 - line 6 column 1, line 24 - line 28 column 1, line 47 - line 54 column 2, line 25 - column 3, line 55 figures 1-3,5	1-6,15, 16 9,10
A	----- US 4 495 946 A (LEMER JOSEPH) 29 January 1985 (1985-01-29) column 2, line 10 - line 29 column 2, line 61 - line 66 column 3, line 13 - line 46 figure 1 -----	8

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

14 July 2003

Date of mailing of the international search report

10.12.03

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Borowski, A.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/GB 03/00758

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-8, 11-17

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-8, 11-17

A breathing device comprising a breathing channel, an exhaust channel and a gas inlet channel, wherein the axis of the gas inlet channel is laterally offset from the axis of the breathing channel

2. claims: 9-10, 11-17

A breathing device comprising a breathing channel, an exhaust channel and a gas inlet channel, wherein the axis of the gas inlet channel is inclined to the axis of the breathing channel

INTERNATIONAL SEARCH REPORT

Int. Patent Application No.

PCT/GB 03/00758

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 3881479	A	06-05-1975	GB 1447987 A	02-09-1976
US 4495946	A	29-01-1985	NONE	